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CITY OF OAKLAND, HOWARD JORDAN

and SEAN WHENT

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA**

**SAN FRANCISCO DIVISION**

DERWIN LONGMIRE,

Plaintiff,

vs.

CITY OF OAKLAND, HOWARD

JORDAN, SEAN WHENT, and DOES 1-

50, inclusive,

Defendant.

) Case No. C 10-01465 JSW

)

) (42 U.S.C. §§ 1981 and 1983)

)

) **DECLARATION OF JESSE GRANT IN**  
) **SUPPORT OF DEFENDANTS' MOTION**  
) **FOR SUMMARY JUDGMENT OR, IN**  
) **THE ALTERNATIVE, PARTIAL**  
) **SUMMARY JUDGMENT**

)

) **Date: December 9, 2011**

) **Time: 9:00 a.m.**

) **Dept: Courtroom 11, 19<sup>th</sup> Floor**

) **Judge: Hon. Jeffrey S. White**

)

) **Date Action Filed: April 7, 2010**

) **Trial Date : February 27, 2012**

**DECLARATION OF JESSE GRANT IN SUPPORT OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT OR, IN THE ALTERNATIVE, PARTIAL SUMMARY JUDGMENT**

1 I, Jesse Grant, declare as follows:

2 1. I was employed as a police officer for the City of Oakland between 1999 and 2008. I  
3 have personal knowledge of the following facts and am competent to testify about them.

4 2. I grew up in Oakland and began my career with the Oakland Police Department  
5 ("OPD") at the age of 15 as an Explorer. Thereafter, while attending the University of California at  
6 Berkeley, I worked part-time as a Cadet. In January 1999, I was hired as a full-time Officer. I  
7 worked for OPD until June 2008, when I resigned. At that point, I felt that my career with OPD was  
8 over for having raised concerns internally about Sergeant Derwin Longmire's actions relative to the  
9 kidnap torture case I was investigating which involved members of Your Black Muslim Bakery.  
10 Since 2008, I have been employed as a police officer with the City of Berkeley.

11 3. During the last several years of my employment with OPD, I was an investigator with  
12 the Special Victims Unit ("SVU") and the Criminal Investigations Division ("CID"). My last  
13 assignment was with the Robbery section within the CID. I investigated approximately 800 cases  
14 during the six years I was assigned to the SVU and approximately 200 additional cases once I was  
15 assigned to the CID. Over the course of my investigations experience, I conducted hundreds of  
16 witness and suspect interviews.

17 4. As an investigator with OPD, I became aware of various alleged criminal activities  
18 which involved members of Your Black Muslim Bakery ("the Bakery"). I gained a general  
19 understanding that members of the Bakery were suspected of criminal activity which spanned real  
20 estate fraud, witness tampering, vandalism, robbery, kidnapping, torture and murder. In 2002, I was  
21 peripherally involved in the investigation of Yusef Bey, Sr. with respect to sexual assault allegations  
22 made by various women. I came to believe that members of the Bakery were involved in multiple  
23 criminal activities and would seek to exploit anyone they could to further their criminal endeavors.

24 5. On or about May 17, 2007, I was assigned a case involving a kidnapping and torture  
25 of two women in the City of Oakland. During that investigation, we discovered evidence that linked  
26 the crime to members of the Bakery. In May 2007, I met with then-Captain Loman, head of the  
27 CID, to advise him of the case and what I believed to be clear indicators that members of the Bakery  
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1 could be involved.

2 6. As part of my investigation, on June 12, 2007, I arranged two out-of-custody  
3 interviews with suspects who were known members of the Bakery: Kahlil Raheem and Joshua Bey.  
4 While Joshua Bey was on premises on June 12<sup>th</sup>, I witnessed Sergeant Longmire open the door and  
5 stick his head in Bey's interview room. Later that day, I was informed by another officer that  
6 Sergeant Longmire also stuck his head in the interview room where Raheem was waiting. I was  
7 further informed that Sergeant Longmire had spent approximately 30 minutes, the duration of the  
8 Raheem's interview, in the bathroom that shared a wall with Raheem's interview room.

9 7. Sergeant Longmire worked in Homicide. In the years that I worked in the  
10 department, Sergeant Longmire and I rarely crossed paths other than exchanging the occasional  
11 greeting in passing. When Sergeant Longmire stuck his head in the interview rooms with my  
12 suspects, he had not been working on the kidnapping/torture investigation. Prior to June 12, 2007, I  
13 rarely, if ever, saw Sergeant Longmire in the general CID area where I worked. The Homicide unit  
14 was located in a separate area from general CID and had its own interview rooms and bathroom. It  
15 was rare to see Homicide investigators in our area.

16 8. Sergeant Longmire's behavior was odd and concerned me. In my experience, it is  
17 highly unusual for an officer to enter another officer's interview room without being asked. The act  
18 of sticking your head in the door to an interview room, even if nothing is said, can be communicative  
19 to a suspect or witness, such as letting that person know you are involved with that particular case.

20 9. As I continued to work up the kidnapping/torture investigation, I gathered more  
21 intelligence regarding the Bakery. I spoke to members of the OPD who investigated crimes  
22 involving Bakery members and I reviewed prior OPD case files related to crimes that Bakery  
23 members either committed or were suspected of committing. In the course of this intelligence  
24 gathering, I reviewed a follow-up report prepared by Officer Dominic Arotzarena in a Bakery-  
25 related vandalism case. Based on my review it appeared to me that Sgt. Longmire inserted himself  
26 in the vandalism investigation without being asked and to the potential detriment of that  
27 investigation.  
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1           10.     On August 2, 2007 journalist Chauncey Bailey was murdered. The following day  
2     OPD and several outside agencies served two search warrants on the Bakery. On or about August 6,  
3     2007, I transported Yusef Bey IV and two other kidnapping/torture suspects to the police station in  
4     San Leandro. While in the San Leandro police station, we left all three kidnapping/torture suspects  
5     in a room with both video and audio recording. During the period that the suspects were left alone  
6     they talked about their involvement in various crimes. Bey IV smugly discussed his knowledge of  
7     the Chauncey Bailey murder and the location of the gun used to kill Bailey. In addition, during that  
8     discussion, Bey IV bragged that he was not being charged in that case because of Sergeant  
9     Longmire. I provided then Capt. Loman, the head of CID, with a copy of the tape, as well as, others  
10    who requested it within the Department.

11           11.     In or around September 2007, I approached Captain Loman and spoke to him about  
12    my concerns that Sergeant Longmire had close connections to Bakery members. When I approached  
13    Captain Loman, it was my hope that he could speak with Sergeant Longmire and that the matter  
14    could be handled informally. I wanted Sergeant Longmire to stay away from my case and I wanted  
15    Captain Loman to be aware of what I perceived as a potential conflict. During my discussion with  
16    Captain Loman, he became visibly upset with me, in that he raised his voice and reprimanded me for  
17    failing to discuss the matter with Sgt. Longmire. Thereafter, Sergeant Longmire no longer returned  
18    my hallway greetings and stared me down when we passed each other. By raising these concerns to  
19    the head of the CID and experiencing the response I got, I became concerned because Loman did not  
20    handle these issues formally or informally yet it seemed he had clearly communicated my concerns  
21    to Longmire. This coupled with Joyner's actions lead me to believe I was no longer welcome in  
22    Homicide and if I were to go there I would not have been placed into a situation in which I would  
23    have been allowed to be successful.

24           12.     In December 2007, I served a search warrant in a Bakery-related victim intimidation  
25    case. After executing the search warrant, we took the suspect back to the Robbery section. Because  
26    we did not want anyone to interact with the suspect, Officer Shaun Johnson stood in front of the  
27    room to prevent anyone from entering. Officer Johnson later informed me that while he stood guard  
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1 Sergeant Longmire paced back and forth in front of the room approximately 8 times. When I  
2 relieved Officer Johnson at the door I personally saw Sergeant Longmire walk back and forth in  
3 front of the door to the interview room.

4 13. Several times during my investigation of the Bakery kidnapping/torture case,  
5 Sergeant Longmire approached me about returning evidence seized in the August 2007 Bakery raid  
6 to Alaia Bey, common law wife to Yusef Bey IV. Although I spoke to Alaia Bey several times and  
7 informed her that I would not release cell phone equipment, Sergeant Longmire continued to  
8 approach me. I told Sergeant Longmire on several occasions that I would not be returning the  
9 property and that I informed Alaia Bey of this fact. Nonetheless, on one occasion when I was in the  
10 Homicide unit, Sergeant Longmire picked up the phone, dialed it, and handed me the receiver  
11 without any warning. Alaia Bey was on the other end of the phone. I found it disconcerting that  
12 Sergeant Longmire continually insisted that I speak to Alaia Bey about the cell phones when he  
13 knew my position on this and that I had communicated my position to Bey.

14 14. In February 2008, Sergeant Longmire approached me on at least two occasions about  
15 the return of a computer that had also been confiscated from the Bakery during the August raid. On  
16 one occasion he was adamant that I return the property to the Bakery and was physically pointing his  
17 index finger at my chest. He told me he had told Alaia Bey there was no reason for me to still have  
18 the computer and I should release it. We were in close proximity and he was telling me what I  
19 needed to do. At some point, I told him to speak to Sergeant Lou Cruz because I believed the  
20 computers may have been technically logged into evidence under his Bakery-related murder  
21 investigation. I felt Sergeant Longmire was trying to intimidate me.

22 15. In February 2008 a letter was intercepted from Yusef Bey IV while he was in  
23 custody. As a part of my investigation into the kidnapping/torture case, I received and reviewed a  
24 copy of Bey's correspondence. In the letter the word "IMPORTANT" was handwritten in capital  
25 letters at the top of the page. On that page, Bey IV asked the Chief of Security for the Bakery to  
26 contact Sergeant Longmire. Bey described Longmire as "a good friend an[d] supporter of my  
27 father..." In addition, he asked the Chief of Security to ask Sergeant Longmire about the  
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1 kidnapping/torture case that I was investigating. Specifically, Bey IV wanted Longmire to ask why I  
2 was focusing on him not drug dealers in the community. Attached hereto as Exhibit A is a true and  
3 correct copy of the relevant portion of the letter that was provided to me during my kidnapping  
4 investigation.

5 16. During that same time period, I reviewed several phone calls from Bey IV that were  
6 recorded while he was in custody. In the calls that I reviewed there were many references to  
7 Sergeant Longmire and Bey's representations regarding his relationship with Sergeant Longmire  
8 remained consistent throughout.

9 17. On April 17, 2008, it became apparent that Lieutenant Ersie Joyner, a Homicide  
10 Lieutenant, was also upset with me for having raised concerns about Sergeant Longmire to Captain  
11 Loman. Lt. Joyner, in a raised voice and animated manner, expressed concern about the issues that I  
12 had previously raised with Loman regarding Sergeant Longmire and his connections with members  
13 of the Bakery.

14 18. Shortly thereafter, I informed Lieutenant Mike Yoell of the confrontation with  
15 Lieutenant Joyner. At that point, Lieutenant Yoell arranged a meeting with then Assistant Chief  
16 Jordan. A few days later, on approximately April 22, 2008, I attended a meeting with Assistant  
17 Chief Jordan, Deputy Chief Jeff Israel and Lieutenant Yoell. During that meeting, I expressed my  
18 concerns about the actions Sergeant Longmire had taken during the investigation of this case. I  
19 explained Sergeant Longmire's unusual interest in my kidnapping/torture case and suspects, his  
20 efforts to have property from my case released back to Bakery members, and Yusef Bey IV's  
21 statements concerning his relationship with Sergeant Longmire. I also informed them of my earlier  
22 conversations with Captain Loman and Lieutenant Joyner and their less-than-receptive response to  
23 my concerns about Sergeant Longmire.

24 19. My concerns about Sergeant Longmire were based on his conduct, such as  
25 inexplicably loitering near interviews of Bakery members and insisting that confiscated property be  
26 returned to Bakery members. My concerns were also based on the repeated statements made by  
27 Bakery member Yusef Bey IV that he had a relationship with Sergeant Longmire and had avoided  
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1 charges in the Bailey murder because of it. At the time I met with Assistant Chief Jordan in April  
2 2008, I did not have any knowledge regarding Sergeant Longmire's religious affiliations. I did not  
3 nor have I ever believed that he is a Muslim. I did not nor have I ever believed that he is a Christian.  
4 In fact, I do not have any knowledge that he in fact has any religious beliefs at all. In addition, I did  
5 not nor have I ever believed that Sergeant Longmire was a member of the Bakery. My concern  
6 when I approached both Captain Loman and Assistant Chief Jordan was that Sergeant Longmire was  
7 or may have taken action which could or did negatively impact the investigation I was conducting.

8 I declare under penalty of perjury under the laws of the State of California and the United  
9 States of America that the foregoing is true and correct.

10 Executed this 15<sup>th</sup> of August 2011, at Berkeley, California.

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JESSE GRANT

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# EXHIBIT A



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OAKLAND PD

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Important

Please if you could do me a favor or stay or  
teller, he is a good brother his just want,  
he let them decide make him think they  
could do what they want, have him explain  
to you what he did or tell him how to go  
about it, it is very important to my case.

Also if you could call Detective Longmire  
his a good friend or supporter of my  
father, My father also respected him, just  
ask him why the police Detective handling  
my case are protecting Drug dealers over  
helping us, after all we're done in the community.  
I already know the answers, how ever I want to  
still put it on his conscious. His # is (510) 812-3850  
Identify yourself as the Chief of Security for the Boleyn  
told him I gave you his number, Because I didn't  
want to call him from the jail phone.

Thank You Brother